

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

DAVID BABB

Plaintiff,

V.

MARK DOBBS,

Defendant.

Case No. 1:22-CV-46-SNLJ

MEMORANDUM AND ORDER

Plaintiff David Babb is suing Mark Dobbs under 42. U.S.C. § 1983 for allegedly failing to provide him with adequate medical care while he was incarcerated at the Butler County Jail. After defendant Mark Dobbs failed to timely provide plaintiff with his initial disclosures in accordance with the Case Management Order, plaintiff moved for default judgment to be entered against defendant as a penalty. [Doc. 24.] Defendant's counsel acknowledged this inadvertent delay and has mailed Dobb's initial disclosures to plaintiff. Plaintiff has not filed any reply brief to defendant's response. Given that the discovery deadline in this case is August 21, 2023, it cannot be said that plaintiff has been prejudiced by this delay. Therefore, penalties are not appropriate.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for default judgment or summary judgment [Doc. 24] is **DENIED**.

A handwritten signature in black ink, reading "Stephen N. Limbaugh, Jr.", written in a cursive style.

STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE